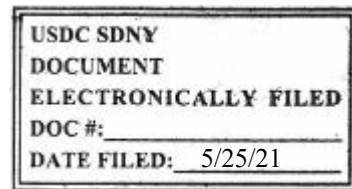


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Josue Paguada,

Plaintiff,

—v—

Birthday in a Box, LLC,

Defendant.

20-CV-8261 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

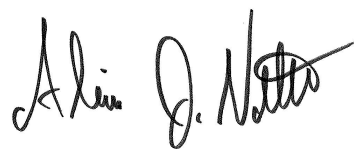
Plaintiff filed his complaint on October 5, 2020. Dkt. No. 1. On January 12, 2021, Plaintiff filed proof of service indicating that Defendant's answer was due on November 4, 2020. Dkt. No. 7. No answer was filed. At Plaintiff's request, the Court adjourned the initial conference in this matter and so-ordered Plaintiff's proposal that he obtain a certificate of default and move for default judgment within 30 days. Dkt. 8. As of the date of this Order, Plaintiff has failed to do so.

Within three weeks of this order, Plaintiff shall move for default judgment against Defendant pursuant to this Court's Individual Practices in Civil Cases. Plaintiff is on notice that failure to do so by this date may result in the action being dismissed with prejudice for failure to prosecute. *See United States ex rel. Drake v. Norden Systems*, 375 F.3d 248, 250 (2d Cir. 2004) (noting "a district judge's authority to dismiss actions based on a plaintiff's failure to prosecute").

By June 2, 2021, Plaintiff must serve this order on Defendant and file an affidavit of service on ECF.

SO ORDERED.

Dated: May 25, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

ALISON J. NATHAN
United States District Judge